

FORM B9A (Chapter 7 Individual or Joint Debtor No Asset Case) (12/10)

Case Number **10-21372-LA7**

UNITED STATES BANKRUPTCY COURT
Southern District of California

Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors, & Deadlines

A chapter 7 bankruptcy case concerning the debtor(s) listed below was filed on 12/2/10.

You may be a creditor of the debtor. **This notice lists important deadlines.** You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below. NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

See Reverse Side For Important Explanations

Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

Michael T Elliott
1623 Filaree Ct
Carlsbad, CA 92011-5021

Case Number:
10-21372-LA7

Social Security/Taxpayer ID/Employer ID/Other Nos.:
xxx-xx-1461

Attorney for Debtor(s) (name and address):

Judith A. Descalso
960 Canterbury Pl.
Suite 340
Escondido, CA 92025
Telephone number: (760) 745-8380

Bankruptcy Trustee (name and address):

Richard M Kipperman
Corporate Management
P.O. Box 3010
La Mesa, CA 91944-3010
Telephone number: (619) 668-4508

Meeting of Creditors

Date: **January 4, 2011**

Time: **01:00 PM**

Location: **Office of the U.S. Trustee, 402 W. Broadway (use C St. Entrance), Suite 1360, Hearing Room A, San Diego, CA 92101**

Presumption of Abuse under 11 U.S.C. § 707(b)

See "Presumption of Abuse" on reverse side.

The presumption of abuse does not arise.

Deadlines:

Papers must be *received* by the bankruptcy clerk's office by the following deadlines:

Deadline to Object to Debtor's Discharge or to Challenge Dischargeability of Certain Debts: 3/7/11

Deadline to Object to Exemptions:

Thirty (30) days after the *conclusion* of the meeting of creditors.

Creditors May Not Take Certain Actions:

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

Please Do Not File a Proof of Claim Unless You Receive a Notice To Do So.

Creditor with a Foreign Address

A creditor to whom this notice is sent at a foreign address should read the information under "Do Not File a Proof of Claim at This Time" on the reverse side.

Address of the Bankruptcy Clerk's Office:

Jacob Weinberger U.S. Courthouse
325 West F Street
San Diego, CA 92101-6991
Telephone number: 619-557-5620
Website: www.casb.uscourts.gov

For the Court:

Clerk of the Bankruptcy Court:
Barry K. Lander

Hours Open: Monday – Friday 9:00 AM – 4:00 PM

Date: 12/3/10

EXPLANATIONS

FORM B9A (12/10)

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| Filing of Chapter 7 Bankruptcy Case | A bankruptcy case under Chapter 7 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered. |
| Legal Advice | The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case. |
| Creditors Generally May Not Take Certain Actions | Prohibited collection actions are listed in Bankruptcy Code §362. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. |
| Presumption of Abuse | If the presumption of abuse arises, creditors may have the right to file a motion to dismiss the case under § 707(b) of the Bankruptcy Code. The debtor may rebut the presumption by showing special circumstances. |
| Meeting of Creditors | A meeting of creditors is scheduled for the date, time and location listed on the front side. <i>The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice. |
| Do Not File a Proof of Claim at This Time | There does not appear to be any property available to the trustee to pay creditors. <i>You therefore should not file a proof of claim at this time.</i> If it later appears that assets are available to pay creditors, you will be sent another notice telling you that you may file a proof of claim, and telling you the deadline for filing your proof of claim. If this notice is mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline. |
| Discharge of Debts | The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that the debtor is not entitled to receive a discharge under Bankruptcy Code §727(a) <i>or</i> that a debt owed to you is not dischargeable under Bankruptcy Code §523(a)(2), (4), or (6), you must file a complaint or a motion if you assert the discharge should be denied under §727(a)(8) or (a)(9) in the bankruptcy clerk's office by the "Deadline to Object to Debtor's Discharge or to Challenge the Dischargeability of Certain Debts" listed on the front of this form. The bankruptcy clerk's office must receive the complaint or motion and any required filing fee by that Deadline. |
| Exempt Property | The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objections by the "Deadline to Object to Exemptions" listed on the front side. |
| Bankruptcy Clerk's Office | Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office. |
| Creditor with a Foreign Address | Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case. |
| Refer to Other Side for Important Deadlines and Notices | |

United States Bankruptcy Court
Southern District of California

Case Number
10-21372-LA7

NOTICE OF APPOINTMENT OF INTERIM TRUSTEE

An order for relief having been entered in the above-referenced case on 12/2/10, the following person is named Interim Trustee of the estate of the debtor:

Richard M Kipperman
Corporate Management
P.O. Box 3010
La Mesa, CA 91944-3010

TRUSTEE REQUIREMENTS

The Trustee requires that Debtor(s) show a government (picture) ID and evidence of their social security number at the 341(a) Creditor's Meeting.

Debtors are to provide the Trustee with written documentation supporting income earnings as set forth in Schedule I of the debtor's case within 14 days of the filing of the case. If documents are not provided, the Trustee may move for dismissal of the case without further notice to the Debtor or creditors. Alternatively, the Trustee may seek an extension of time to file to move for dismissal if the Trustee is investigating assets of the estate, without further notice to the Debtor or creditors.

Debtors and debtors' attorneys must review the Standing Administration Guidelines immediately to comply with the production of supporting documentation of material represented in the Schedules and Statement of Financial Affairs. Failure to do so in a timely manner may result in continuances of Meetings and additional appearances. The Standing Administration Guidelines are available on the internet at:

<http://www.casb.uscourts.gov/pdf/guidelines.pdf>

DISMISSAL OF CASE

Notice is given that this case will be dismissed if the debtor(s) fails to pay the filing fee pursuant to the Rules of Bankruptcy Procedure 1006. This dismissal will occur without further notice.

Furthermore, notice is given that if the Debtor fails to file schedules, statements or other documents required by the Rules of Bankruptcy Procedure 1007 and/or 11 U.S.C. 521, or if the Debtor or Joint Debtor fails to appear at the §341(a) meeting that the Court, Trustee or U.S. Trustee may move for dismissal of the case without further notice to the Debtor or creditors.

NOTICE OF FILING OF FINANCIAL MANAGEMENT COURSE CERTIFICATE

Notice is given that this case will be closed with no discharge if the debtor(s) fail to file the required Financial Management Course Certificate within 60 days after the first date set for the meeting of creditors under §341.

BANKRUPTCY FRAUD

If you have information regarding any bankruptcy fraud or abuse, please contact the United States Trustee in writing at 402 West Broadway, Suite 600, San Diego, CA 92101 and/or by calling 619-557-5013.

For the Court:

Barry K. Lander, Clerk
United States Bankruptcy Court
Southern District of California

Dated: 12/3/10

